

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK DIVISION**

Inventergy LBS, LLC, Plaintiff, v. Casio America, Inc., Defendant.	Case No. 2:19-CV-12210 Patent Case Jury Trial Demanded
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Inventergy LBS, LLC (“Inventergy”), through its attorney, Stamatios Stamoulis, complains of Casio America, Inc. (“Casio”), and alleges the following:

PARTIES

1. Plaintiff Inventergy LBS, LLC is a corporation organized and existing under the laws of Delaware and maintains its principal place of business at 900 East Hamilton Avenue, Campbell, CA 95008.

2. Defendant Casio America, Inc. is a corporation organized and existing under the laws of New York that maintains its principal place of business at 5070 Mount Pleasant Avenue, Dover, NJ 07801.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Casio because it has engaged in systematic and continuous business activities in the District of New Jersey. Specifically, Casio provides a full range of products to residents in this District. Casio is also headquartered in this District. As described below, Casio has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Casio has committed acts of patent infringement in this District and is headquartered in New Jersey. In addition, Inventergy has suffered harm in this district.

THE PATENT-IN-SUIT

7. Inventergy is the assignee of all right, title and interest in United States Patent No. 9,219,978 (the “’978 Patent”), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Inventergy possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Casio.

The ’978 Patent

8. On December 22, 2015, the United States Patent and Trademark Office issued the ’978 Patent. The ’978 Patent is titled “System and Method for Communication with a Tracking Device.” The application leading to the ’978 Patent was filed on June 24, 2015; which was a divisional application of U.S. Patent Application No. 13/443,180, that was filed on April 10, 2012; which was a continuation of U.S. Application No. 12/322,941, that was filed on February 9, 2009; which claims priority from provisional application number 61/065,116, that was filed on

February 8, 2008. A true and correct copy of the '978 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '978 Patent is valid and enforceable.

10. The inventors recognized that there was a need for a system and method for providing enhanced communication with tracking devices, while minimizing power consumption and network air time. Ex. A, 1:45–51.

11. The invention in the '978 Patent provides a tracking device with a location detector, communication device, memory processor and configuration routine. *Id.* at 2:1–3.

COUNT I: INFRINGEMENT OF THE '978 PATENT

12. Inventergy incorporates the above paragraphs herein by reference.

13. **Direct Infringement.** Casio has been and continues to directly infringe at least Claim 1 of the '978 Patent in this District and elsewhere in the United States by providing a system, for example, Casio's WSD-30, that satisfies the preamble of Claim 1: "[a] tracking device." For example, Casio's WSD-30 is a tracking device. *See* <https://wsd.casio.com/us/en/wsd-f30/>; Figure 1.



Figure 1. Casio's WSD-30 is a tracking device.

14. Casio's WSD-30 satisfies claim element 1(a): "a location detector operative to determine locations of said tracking device." For example, Casio's WSD-30 tracks location using a built-in receiver supporting GPS and works digitally. See <https://wsd.casio.com/us/en/wsd-f30/>; Figure 2.

Main Specifications

GPS

Compatible (including GPS, GLONASS and Michibiki)

Figure 2. Casio's WSD-30 location using a built-in receiver supporting GPS and works digitally.

15. Casio's WSD-30 satisfies claim element 1(b): "a communication device operative to communicate with a remote system." For example, Casio's WSD-30 has a communication device, such as a built-in transceiver, that is capable of cellular or satellite communication.

See https://support.casio.com/storage/en/manual/pdf/EN/019/WSD-F30_UG_EN.pdf; Figure

3.

Main Specifications

- 1.2-inch dual layer display, Color organic electroluminescence (EL) (390 x 390 pixels) + Monochrome LCD
- Capacitive touch panel
- Microphone
- Vibration
- Battery:
 - Type: Lithium-ion battery
 - Charging time:
 - Approximately 3 hours at room temperature (Be sure to use the special charger cable and AC adaptor.)
- Bluetooth: Bluetooth® 4.1 (Low Energy support)
- Wi-Fi: IEEE802.11b/g/n
- Memory & storage: 768 MB RAM, 4 GB internal storage
- Charging method: Magnetic crimped charging terminal
- Buttons: MAP button, Power button, TOOL button
- 5-bar (50-meter) water resistant*¹
- Environment performance: MIL-STD-810G (United States military standard issued by the U.S. Department of Defense)
- Sensors: GPS, Pressure sensor, Accelerometer, Gyrometer, Magnetic sensor

Figure 3. Casio's WSD-30 has a communication device that is capable of cellular or satellite communication.

16. Casio's WSD-30 satisfies claim element 1(c): "memory for storing data and code, said data including location data determined by said location detector and configuration data."

For example, Casio's WSD-30 has on-board memory capable of storing location data. See Figure 3.

17. Casio's WSD-30 satisfies claim element 1(d): "a processor operative to execute said code to impart functionality to said tracking device, said functionality of said tracking device depending at least in part on said configuration data." For example, Casio's WSD-30 includes a processor that executes code to determine the location of the WSD-30 and sends reports of its location over a set period of time. See Figs. 1-3.

18. Casio's WSD-30 satisfies claim element 1(e): "a configuration routine operative to modify said configuration data responsive to a communication from said remote system." For

example, Casio's WSD-30 can be configured to various reporting plans which determine how frequently location is reported. *See* Figure 6.

4. Install the CASIO MOMENT SETTER+ App on the Smartphone (Android Only)

If you are using an Android smartphone, download the "CASIO MOMENT SETTER+" app on Google Play and install it. You can use the CASIO MOMENT SETTER+ app to configure the following watch settings from your smartphone: TOOL App, MOMENT SETTER App.

Figure 6. Casio's WSD-30 can be configured to various reporting plans which determine how frequently location is reported.

19. Casio's WSD-30 satisfies claim element 1(f): "a buffering routine operative to buffer location data indicative of a plurality of said locations when said communication device is unable to communicate with said remote system." For example, Casio's WSD-30 receives location data at fixed intervals and stores the location data in its memory if the device cannot communicate with Casio's server. *See* Figure 7.

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- The watch saves route information, marks, memos, and other data in internal storage. Data is retained as long as memory capacity is available. When memory becomes full, the watch automatically deletes the oldest data to make room for newly recorded data.

Figure 7. Casio's WSD-30 receives location data at fixed intervals and stores the location data in its memory if the device cannot communicate with Casio's server.

20. Casio's WSD-30 satisfies claim element 1(g): "a reporting routine operative to transmit said location data indicative of said plurality of said locations when said communication device is able to communicate with said remote system." For example, Casio's WSD-30 has a reporting mechanism that is activated when requested if the communication server cannot communicate with the WSD-30 and leaving data stored in the tracking device's memory. *See* Figure 8.

Viewing Your Route on a Phone

You can perform the procedure below to export a route stored in watch memory and view it on a phone using Google Earth™, etc. Note that your phone needs to have Google Drive™ and Google Earth installed in order to perform this procedure.

Figure 8. Casio's WSD-30 has a reporting mechanism that is activated when requested if the communication server cannot communicate with the WSD-30 and leaving data stored in the tracking device's memory.

JURY DEMAND

Under Rule 38(b) of the Federal Rules of Civil Procedure, Inventergy respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Inventergy asks this Court to enter judgment against Casio, granting the following relief:

- A. A declaration that Casio has infringed the Patents-in-Suit;
- B. An award of damages to compensate Inventergy for Casio's direct infringement of the Patents-in-Suit;
- C. An order that Casio and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patents-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy Casio's willful infringement of the Patents-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Inventergy of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An accounting of all damages not presented at trial;

- G. An award of prejudgment and post-judgment interest; and
- H. Such other relief as this Court or jury may deem proper and just.

Date: May 6, 2019

Respectfully submitted,

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